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December 3, 2024

Via ECF

The Honorable Nelson S. Román
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

USDC SDNY
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Re: *Days v. Town of Eastchester, et al.*, 18-CV-11538 (NSR) (AEK)

Dear Judge Román,

We, along with Rickner, PLLC, represent Plaintiff Selwyn Days in this wrongful conviction action and submit this letter to request, in essence, a stay of any ruling on the pending motion for summary judgment filed by the County of Westchester and Westchester County Police Department Officer Christopher Calabrese, docket no. 287, *et. seq.*

Although Mr. Days won his criminal case and secured his freedom several years ago, the true killers had not been found and the two murders Mr. Days was convicted of remained unsolved. But the investigation continued, and we write to advise the Court of an important development. We recently received the following missive from the Westchester County District Attorney's Office:

Our ongoing investigation has developed significant new information implicating individuals other than Selwyn Days in the murder of Archie Harris and Betty Ramcharan. The information includes a confession, which is supported by forensic evidence.

In the interest of maintaining the integrity of the ongoing investigation, no additional information can be furnished at the time.

We expect to receive more detailed information from the DA's Office by mid-December. But this discovery, we believe, is vital to our opposition to the motion for summary judgment. Proof of Mr. Days' innocence correlates with the strength of our false confession claim and the alleged misconduct that surrounded the confession. We also believe that the new evidence stems from a lead during the initial investigation that could have and should have been followed up on by the investigating officers including Defendant, Christopher Calabrese.

In the meantime, we propose a stay of the motion, with an update from Plaintiff's counsel before the end of the month. In the alternative, we request a conference.

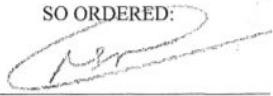
Defense counsel opposes a stay.

Defendants' are directed to respond to this letter on or before December 9, 2024.

We thank the Court for its attention to this matter.

Dated: December 4, 2024
White Plains, NY

SO ORDERED:


NELSON S. ROMÁN
United States District Judge

MEMO ENDORSED

Respectfully,

/s/Glenn A. Garber

Glenn A. Garber

cc: All Parties by ECF